

EXHIBIT 4

Van Tol, Pieter

From: Esser, Will <willess@parkerpoe.com>
Sent: Tuesday, January 30, 2024 2:33 PM
To: Van Tol, Pieter; Paul Levine; david.newman@rbc.com; sara.hayek@rbc.com; paul.rossi@rbc.com; Pfeifer, Katie KP (LAW); mjlevy@sykesbourdon.com; Michael A. Axel (michael_axel@keybank.com); mzfd@s@gmail.com; Yehuda Morgenstern; homerentals206@gmail.com; paul.poles@flagstar.com; jennifer.stout@flagstar.com; deanna.dietz@flagstar.com; katie.francek@flagstar.com; mmeade@signatureNY.com; bhenshaw@myfsb.com; lsi@citi.com; Andres, Kim ; Segura, Courtney ; Armstrong, John Carter ; Protess, Amanda ; Saleem, Alisha ; khilbert@hilbertlaw.com; trevis@hilbertlaw.com; jhilbert@hilbertlaw.com; david.massey@hoganlovells.com; tbaran@keeler.com; scott@scottoliverlaw.com; kerry@platinumtimesco.com; aennett@rmsothebys.com; jsulman@rmsothebys.com; website@aidesign.com; auerbach@auerbachlaw.com
Cc: Fenlon, Christopher V.
Subject: RE: 24-cv-00055-MAD-CFH Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC et al
Attachments: Third Party Complaint by Receiver against Roglieri et al.pdf; Receiver Second Status Report.pdf

[EXTERNAL]

Thank you Mr. Van Tol.

Dear All -

Since Mr. Van Tol has chosen to respond and provide additional filings from the litigation for your consideration, I will do the same. Please find attached:

1. The Second Report of Receiver filed on January 26, 2024. That report addresses, among other things, the failure of Prime and its principals to provide the Receiver with information and documents.
2. The Third Party Complaint filed by the receiver yesterday against Prime's principals and affiliates. I commend the entire thing to you for reading, but here is Paragraph 84:

84. Therefore, from roughly March 11, 2022 through December 22, 2023, at least \$16,396,702.63 of Prime funds were transferred to the accounts of K. Roglieri, T. Roglieri, Prime Commercial, CCTG and NACLB, and from roughly June 22, 2022 through November 2, 2023, K. Roglieri purchased at least \$15,352,299.81 of luxury vehicles, watches, jewelry, antiques and private plane travel with Prime funds – which results in a current total of \$31,749,002.44 of known and identifiable Prime assets that have been misappropriated, with the number to only increase once accounts and information are forensically analyzed.

While Mr. Van Tol leaves “it to you to decide whether you should comply with any requests from the Receiver before the stay issue is decided by the District Court or the Court of Appeals”, I respectfully ask you to immediately provide the Receiver with whatever records he asks for so that the receiver can comply with his court appointed duties, which include tracking and taking control of all of Prime’s assets, books and records.

Will

Will Esser
Partner



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Cc: Esser, Will <willesser@parkerpoe.com>; Fenlon, Christopher V. <cfenlon@hinckleyallen.com>

Subject: RE: 24-cv-00055-MAD-CFH Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC et al

Importance: High

Caution: External email

Thank you, Mr. Levine.

Dear All --

We are counsel for Prime Capital Ventures, LLC (“Prime Capital”). We write to point out the following:

1. The order from which Mr. Levine quotes below was entered by the Court yesterday morning. The Court cites Federal Rule of Civil Procedure 62(c), which states that “[unless the court orders otherwise,” an order appointing a receiver is not stayed upon the filing of an appeal. Rule 62(c) means that there is no automatic stay, but that the party appealing from the appointment of a receiver may seek a discretionary stay. At the time of the order, Prime Capital had not yet moved for a stay.

2. Yesterday afternoon, after the Court entered the order quoted below, Prime Capital filed the attached motion for a stay. In other words, Prime Capital is now asking the Court, under Rule 62(c), to order “otherwise” by staying the effectiveness of the receivership. Prime Capital believes that it has strong arguments for obtaining a stay of the Receiver’s appointment, either from the District Court or the Court of Appeals, on the grounds that the appointment violated the parties’ arbitration agreement and was not justified under the circumstances and the applicable law.

3. The District Court set the following schedule for determination of the stay motion: (1) an opposition to the attached stay motion will be submitted by February 7, 2024; and (2) any reply will be due by February 12, 2024. The District Court will then decide Prime Capital’s stay motion. If it is denied, Prime Capital will renew the stay motion at the Court of Appeals, as is its right under Federal Rule of Appellate Procedure 8(a).

We leave it to you to decide whether you should comply with any requests from the Receiver before the stay issue is decided by the District Court or the Court of Appeals. Prime Capital reserves all rights.

Regards,

Pieter Van Tol

Partner

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Cc: Van Tol, Pieter <pieter.vantol@hoganlovells.com>; Esser, Will <willeser@parkerpoe.com>; Fenlon, Christopher V. <cfenlon@hinckleyallen.com>

Subject: 24-cv-00055-MAD-CFH Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC et al

[EXTERNAL]

Dear Sir or Madam:

As you are likely aware by now, I am the permanent receiver for Prime Capital Ventures LLC ("Prime"), with my appointment being made permanent by Memorandum Decision and Order dated January 24, 2024. A copy is attached for your convenience.

You also may be aware that Prime has appealed that decision and is seeking a stay pending appeal.

As a result of the notice of appeal being filed, the Court entered an order on the docket of the case providing as follows:

TEXT ORDER in response to Defendant Prime Capital Ventures, LLCs filing of an Interlocutory Appeal (Dkt. No. 60). Discovery is stayed pending the Second Circuits resolution of the appeal. See *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 744 (2023) (explaining that an automatic stay of district court proceedings that relate to any aspect of the case involved in the appeal is required). However, the appointment of the receiver is not stayed. See Fed. R. Civ. P. 62 (Unless the court orders otherwise, the following are not stayed after being entered, even if an appeal is taken: (1) an interlocutory or final judgment in an action for an injunction or receivership). The Court also retains jurisdiction to decide Plaintiff Compass-Charlotte 1031, LLCs motion to disqualify (Dkt. No. 67) as it does not relate to the interlocutory appeal. Signed by U.S. District Judge Mae A. D'Agostino on 1/29/2024. (ban)

The text order makes clear that discovery is stayed. This applies to any subpoenas served upon you by the attorneys for Plaintiff Compass-Charlotte 1031 LLC.

In the language highlighted above, the text order also makes clear that the "appointment of the receiver is not stayed." Therefore, you should respond promptly to any of my pending requests for information and documents and any future requests that I may make until such time as the Court, if ever, orders otherwise. I trust that you will cooperate so that I may fulfill my duties as directed by the Court. Thank you for your attention to these serious matters.

Paul A. Levine, Esq.

Member

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